

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ALEK SCHOTT

Plaintiff,

v.

JOEL BABB, in his individual and official capacity; MARTIN A. MOLINA III, in his individual and official capacity; JAVIER SALAZAR, in his individual and official capacity; and BEXAR COUNTY, TEXAS,

Defendants.

Civil Action No. 5:23-cv-00706-OLG-RBF

**PLAINTIFF'S UNOPPOSED MOTION TO
FILE LATE EXPERT DESIGNATION & EXPERT DESIGNATION**

Plaintiff files this unopposed motion to file a late expert designation and submits the associated expert designation should the Court grant this motion.

1. The Court's third amended scheduling order states: "All parties asserting claims for relief shall file their designation of testifying experts, and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **September 23, 2024.**"

2. On September 23, 2024, Plaintiff served his expert materials on all Defendants as required by Federal Rule of Civil Procedure 26(a)(2)(B).

3. However, Plaintiff overlooked the part of the Court's order requiring Plaintiff to file his expert designation on the same date.

4. Counsel for Plaintiff conferred with counsel for Defendants, who do not oppose this motion to file an expert designation three days after the deadline. The three-day delay in filing Plaintiff's expert designation will not prejudice Defendants because they already received the

report of Plaintiff's testifying expert, on September 23, 2024 (the date listed in the Court's third amended scheduling order).

5. If the Court grants Plaintiff's motion to file a late expert designation, Plaintiff submits the following designation of his testifying expert as required by Federal Rule of Civil Procedure 26(a)(2)(A):

Sergeant Richard Palacios
Palacios Accident Reconstruction, LLC
157 Lake Front Drive
Boerne, Texas 78006
361-701-2751
830-816-5014
palaciossar@sbcglobal.net
PARconsulting.TX.com

Dated: September 26, 2024.

Joshua A. Windham* (NC Bar No. 51071)
Daniel Z. Nelson* (VA Bar No. 96173)
William R. Aronin* (NY State Bar No. 4820031)
INSTITUTE FOR JUSTICE
901 N. Glebe Road, Suite 900
Arlington, VA 22203
(703) 682-9320
jwindham@ij.org
dnelson@ij.org
waronin@ij.org

*Admitted *pro hac vice*

Respectfully submitted,

/s/ Christen M. Hebert
Christen Mason Hebert
(TX Bar No. 24099898)
INSTITUTE FOR JUSTICE
816 Congress Avenue, Suite 970
Austin, TX 78701
(512) 480-5936
chebert@ij.org

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2024, a true and correct copy of the foregoing document was served via CM/ECF notification to all counsels of record.

/s/ Christen Mason Hebert
Christen Mason Hebert